

**United States District Court
District of Massachusetts**

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U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**Kevin Bell, Juan R. Estrada, David Franco,
Tommie O. Hart, Josh C. Haygood, Jason E.
Larrier, Howard Lockwood, Leonard Matos
Jr., Greg McCain, Pedro R. Mendez, Angel
Perez, Herminio Rivas Jr., Martin Santa,
Julio Toledo, Rafael Vega**

PLAINTIFFS

v.

IBPO, Local 364 and City of Springfield

DEFENDANTS

**CIVIL ACTION NO.
3:04-cv-30163-MAP**

**OPPOSITION TO MOTION TO AMEND COMPLAINT OR, IN THE
ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT AND TO
STRIKE AD DAMNUM**

Now comes the City of Springfield and OPPOSES the motion to amend the complaint filed by the plaintiff, or, in the event that this court allows the motion to amend, the City moves that the plaintiff be ordered to provide a more definite statement as to the legal claims and factual basis for the claim of liability against the City, and also to strike the ad damnum request for damages. As grounds therefore, the City, through counsel, states that the proposed complaint fails to set forth any enumerated counts properly setting forth the legal theories of liability against the City, and does not set forth a clear and definite statement of facts to support a claim for liability. The Federal Rules of Civil Procedure provide for a motion for a more definite statement where a complaint is "so vague or ambiguous that a party cannot reasonably be required to frame a responsive answer." Fed.R.Civ.P. 12(e).

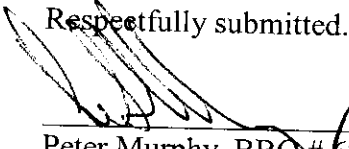
Moreover, the complaint improperly contains an ad damnum requesting "\$16,000,000.00" in damages.

Dated: October 29, 2004

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Motion was this day served upon Plaintiff by mailing copy of same or hand delivery to counsel by mailing copy of same or hand delivery to counsel: **Tammy Sharif** and **Holly Dawn Battige**, Law Firm of Tammy Sharif, 1500 Main Street, Suite 270, Tower Square, Springfield, MA 01115 and 1242 Main Street, Ste. 314 Springfield, MA 01103 SIGNED under the pains and penalties of perjury.
Dated: 10/29/2004

Respectfully submitted.



Peter Murphy, BBO # 629377

Associate City Solicitor
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